

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

March 21, 2000

DIVISION ONE

[illegible]

We reverse the second-degree murder conviction. We affirm the accessory conviction and lift the previously imposed stay on the 25 years-to-life sentence on that count. We remand for the trial court to issue an order dismissing the murder count with prejudice, prepare a new abstract of judgment reflecting the dismissal and new sentence, and forward the new abstract to the Department of Corrections. In all other respects, we affirm the judgment.

Ortega, Acting P.J.

We concur: Vogel (Miriam A.), J.
Masterson, J.

B123335 L'Anza Research International, Inc.
v.
Quality King Distributors, Inc.

Filed order denying petition for rehearing.

March 21, 2000-Continued

DIVISION TWO

[illegible]

The Court:

The judgment is affirmed.

Boren, P.J., Nott, J., Mallano, J. (Assigned)

B133211 People (Not for Publication)
v.
Caldwell

The judgment is affirmed.

Boren, P.J.

We concur: Nott, J.
Mallano, J. (Assigned)

B131812 Orlandi et al. (Not for Publication)
v.
Norwest Corporation et al.

The judgment and the order awarding sanctions are each affirmed. Respondents are awarded costs on appeal.

Boren, P.J.

We concur: Nott, J.
Cooper, J.

March 21, 2000-Continued

DIVISION TWO (Continued)

B125404 Boatner (Not for Publication)
v.
GMT Studios, Inc., et al.

The judgment is affirmed.

Boren, P.J.

We concur: Nott, J.
 Cooper, J.

DIVISION THREE

B130811 John Nunez (Not for Publication)
v.
Robert Miranda

The judgment is affirmed. Respondent(s) to recover costs.

Kitching, J.

We concur: Klein, P.J.
Croskey, J.

B128083 Richard Garcia (Not for Publication)
v.
County of Los Angeles Sheriffs' Department et al

The judgment is affirmed. Respondent(s) to recover costs.

Kitching, J.

We concur: Klein, P.J.
Schneider, J. (Assigned)

DIVISION THREE (Continued)

B128151 Daniel Roesch (Not for Publication)

v.

Los Angeles City Fire Department, etc., et al.

The judgment is affirmed. Respondent(s) to recover costs.

Kitching, J.

We concur: Croskey, Acting P.J.
 Schneider, J. (Assigned)

B132312 Allan W. Wallace, etc. (Not for Publication)

v.

Richard Priest

Billie Louise Parsons

The judgment is affirmed. Respondent(s) to recover costs.

Kitching, J.

We concur: Klein, P.J.
 Schneider, J. (Assigned)

B128564 Providian National Bank FKA First (Not for Publication)

Deposit National Bank

v.

Daniel F. Kohanim

The judgment is reversed and the matter is remanded for further proceedings consistent with this opinion. Appellant(s) to recover costs.

Klein, P.J.

We concur: Aldrich, J.
 Schneider, J. (Assigned)

DIVISION THREE (Continued)

B137202 Jeffrey C. (Not for Publication)
v.
Superior Court, Los Angeles County
(Los Angeles County Department of Children and Family Services, r.p.i.)

The petition is denied.

Klein, P.J.

We concur: Aldrich, J.
Schneider, J. (Assigned)

DIVISION FOUR

B136732 Twentieth Century Fox Film Corp. (Certified for Publication)
v.
Superior Court, Los Angeles County
(Porche Lottermoser, r.p.i.)

Because the District Court has denied the petition to compel arbitration, this proceeding has become moot. The petition is dismissed and the alternative writ and temporary stay previously issued by this court, having served their purposes, are dissolved. Each party to bear their own costs.

Hastings, J.

We concur: Vogel (C.S.), P.J.
Curry, J.

DIVISION FIVE

B124482 Foxgate Homeowners' Association, Inc.
v.
Bramalea California, Inc., et al.

Filed order denying petition for rehearing.

March 21, 2000-Continued

DIVISION FIVE (Continued)

104953-99

The HONORABLE WILLIAM R. WEISMAN, Judge of the Los Angeles Superior Court, Los Angeles County, is hereby assigned to assist the Court of Appeal, Second Appellate District, Division Five, as a Justice thereof, on the following dates:

April 1, 2000 to May 31, 2000

and until completion and disposition of all causes and matters submitted pursuant to this assignment including, if necessary by reason of a vacancy or disqualification of a Court of Appeal justice, all petitions for rehearing arising out of such causes and matters.

This assignment does not extend to any matter in which the panel would be composed of two justices pro tempore.

Dated: March 17, 2000

Ronald M. George
Chief Justice of California and
Chairperson of the Judicial Council

DIVISION SIX

B131758 People (Not for Publication)
v.
Hall

The judgment is affirmed.

Perren, J.

We concur: Yegan, Acting P.J.
Coffee, J.

March 21, 2000-Continued

DIVISION SIX (Continued)

B130910 People (Not for Publication)
v.
Diaz

The judgment is affirmed.

Coffee, J.

We concur: Gilbert, P.J.
Yegan, J.

B129940 Fernandez (Not for Publication)
v.
Carl Warren & Co.

The award for punitive damages is reversed. The judgment for \$518,944.56 compensatory damages is affirmed. The parties shall bear their own costs on appeal.

Yegan, J.

We concur: Gilbert, P.J.
Coffee, J.

B129486 People (Certified for Publication)
v.
Massey

The judgment is reversed.

Abbe, J. (Assigned)

We concur: Gilbert, P.J.
 Yegan, J.

DIVISION SIX (Continued)

B124996 Circle Ranch Corp. (Certified for Publication)

v.

Board of Supervisors of Santa Barbara County

The judgment is affirmed. Costs are awarded to respondent.

Gilbert, P.J.

We concur: Yegan, J.
 Coffee, J.

B125037 Wilson (Not for Publication)

v.

Wilson

The trial court's characterization of husband's real property as community property is reversed. The characterization of the \$17,455.61 obligation secured by the property as a community debt is likewise reversed. The real property was, and remains, appellant's separate property. The matter is remanded for a determination by the court, after taking evidence, of the appropriate characterization of the debt secured by the property. We express no opinion on the resolution of this issue. Costs to

appellant.

Coffee, J.

We concur: Yegan, Acting P.J.
 Perren, J.

B135784 People (Not for Publication)

v.

Deharo

The judgment is affirmed.

Gilbert, P.J.

We concur: Yegan, J.
 Perren, J.

March 21, 2000-Continued

DIVISION SEVEN

B136313 People (Not for Publication)
v.
Munoz

The judgment is affirmed.

Woods, J.

We concur: Lillie, P.J.
Neal, J.

B137392 In re Ewalonnie D., a minor (Not for Publication)
 Vickie D.
 v.
 Superior Court, Los Angeles County
 (L.A. County, D.C.F.S., r.p.i.)

Because substantial evidence supports the juvenile court's order to conduct a hearing pursuant to section 366.26, the petition is denied on the merits.

Johnson, J.

We concur: Lillie, P.J.
Woods, J.

B132820 People (Not for Publication)
v.
Ramirez

The judgment is affirmed.

Johnson, J.

We concur: Lillie, P.J.
Woods, J.

March 21, 2000-Continued

DIVISION SEVEN (Continued)

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The judgment is affirmed.

Woods, J.

We concur: Lillie, P.J.
Neal, J.

B126005 Panaero Management Corp. (Not for Publication)
v.
Zond Windsystems Management Corp.

The judgment of the superior court is affirmed. Respondents to recover their costs on appeal.

Woods, J.

We concur: Lillie, P.J.
Neal, J.